

## **IC 34-30-23**

### **Chapter 23. Liability Connected With Consumption of Food and Beverages**

#### **IC 34-30-23-1**

##### **Exemption from civil liability**

Sec. 1. This chapter does not grant immunity from civil liability with respect to a claim alleging that:

- (1) an adulteration or misbranding of food or a beverage proximately caused the claimed injury, if the adulteration or misbranding relates to a labeling or purity requirement under state or federal law; or
  - (2) a knowing and willful violation of federal or state law applicable to the manufacturing, marketing, distribution, labeling, or sale of food or a beverage proximately caused the claimed injury, unless the alleged injury is unrelated to a pregnancy and arises from:
    - (A) weight gain;
    - (B) obesity;
    - (C) a health condition associated with weight gain or obesity; or
    - (D) a generally known condition allegedly:
      - (i) caused by; or
      - (ii) likely to result from;
- the long term consumption of food or beverages.

*As added by P.L.77-2006, SEC.1.*

#### **IC 34-30-23-2**

##### **Applicability**

Sec. 2. Section 3 of this chapter applies to the following:

- (1) A food or beverage manufacturer.
- (2) A food or beverage distributor.
- (3) A food or beverage carrier.
- (4) A person who stores food or beverages.
- (5) A food or beverage seller.
- (6) A food or beverage marketer.
- (7) A food or beverage advertiser or the advertising medium.
- (8) A person who prepares food or beverages.
- (9) A group or association containing more than one (1) of the persons referred to in subdivisions (1) through (8).

*As added by P.L.77-2006, SEC.1.*

#### **IC 34-30-23-3**

##### **Immunity from civil liability arising from a claim concerning the long term consumption of food or beverages**

Sec. 3. This section does not apply to weight gain associated with pregnancy. A person or group or association of persons referred to in section 2 of this chapter is immune from civil liability arising from a claim concerning:

- (1) weight gain;

- (2) obesity;
- (3) a health condition associated with weight gain or obesity; or
- (4) a generally known condition:
  - (A) allegedly caused by; or
  - (B) allegedly likely to result from;the long term consumption of food or beverages.

*As added by P.L. 77-2006, SEC.1.*